

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 80853

Anthony Davis
Alison Steckel

3537 McShane Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 17, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201 (b)(d), failure to store trash in cans with tight fitting lids; section 13-7-309, 310, failure to remove dog feces on a daily basis on residential property zoned DR 10.5 known as 3537 McShane Way, 21222.

On August 2, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 13, 2010 for removal of trash and debris, remove animal feces daily, cut and remove tall grass and weeds, remove pile of wood. This Citation was issued on August 2, 2010.

B. Inspector Adam Whitlock testified that there were previous code enforcement cases for this property in December 2009 and June 2010, for similar violations. His inspections found numerous piles of feces on the ground in the yard. Photographs in the file show multiple piles of dog feces in the yard and on the concrete under the elevated deck. Re-inspection the day before this Hearing found multiple piles of feces visible.

C. Respondent Alison Steckel testified that she is a nurse and frequently works double shifts and sleeps during daylight hours. She testified that she picks up after the dogs daily but sometimes only early in the morning. She agreed that cleanup is needed, and further testified that her partner can assist with more frequent cleanup.

D. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondent must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds the violations have been corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection finds the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf